

United States Court of Appeals For the First Circuit

No. 07-2601

JOSEPH P. SCHMITT,
Plaintiff, Appellant,
v.

PATRICK MULVEY, ET AL.,
Defendants, Appellees.

ORDER OF COURT

Entered: December 27, 2007

Plaintiff-appellant Joseph P. Schmitt seeks review of the denial of supplemental relief he requested from the United States District Court for the District of Massachusetts following a jury trial on his civil rights claims against prison authorities. Defendants have challenged Schmitt's in forma pauperis status with a motion to stay proceedings until Schmitt pays in full the filing fee for this appeal.

Rule 24(a)(3) of the Federal Rules of Appellate Procedure permits a litigant, like Schmitt, who is granted in forma pauperis status in the district court to retain that same status on appeal. See id. ("A party who was permitted to proceed in forma pauperis in the district-court action ... may proceed on appeal in forma pauperis without further authorization...."). At the same time, Rule 24 allows "inquiry into whether the circumstances of the party who was originally entitled to proceed in forma pauperis have changed during the course of the litigation." Advisory Committee's Note (1967 adoption). Rule 24(a)(3)(A) specifically preserves a district court's authority to revisit a litigant's in forma pauperis status while an appeal is pending. The district court can certify that a party is not "entitled to proceed in forma pauperis" either "before or after the notice of appeal is filed...." Id. (emphasis added). It follows that the United States District Court for the District of Massachusetts continues to have jurisdiction to rule upon Schmitt's in forma pauperis status even

EXHIBIT

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while his appeal is pending in this court. The district court should decide on the defendant-appellees' challenge to Schmitt's in forma pauperis status in the first instance. Accordingly, we deny the defense request without prejudice to the defendant-appellees' option to bring their challenge before the district court in the first instance. Defendants' "Motion to Stay All Further Proceedings, Including the Filing of Defendants-Appellees' Brief, Until Such Time as Plaintiff-Appellant Has Paid the Filing Fee in Full" is denied.

By the Court:

Richard Cushing Donovan, Clerk.

By:

AMY B. LEDERER

Appeals Attorney.

[cc: Joseph P. Schmitt, C. Raye Poole, Esq.,
Jody Adams Brenner, Esq., Philip W. Silva, IV, Esq.]

Inmate Name..... Joseph SchmittCommitment number.... M81137Period encompassed.... 7/8/2007 1/8/2008

		personal	savings	total
Beginning Balance:	07/08/07	\$ 15.77	\$ -	\$ 15.77
Balance as of	08/08/07	\$ 27.83	\$ -	\$ 27.83
Balance as of	08/09/07	\$ 3.05	\$ -	\$ 3.05
Balance as of	10/08/07	\$ 134.66	\$ -	\$ 134.66
Balance as of	11/08/07	\$ 2,587.39	\$ -	\$ 2,587.39
Balance as of	12/08/07	\$ 2,049.60	\$ -	\$ 2,049.60
Ending Balance:	01/08/07	\$ 191.87	\$ -	\$ 191.67

Six month average balance: \$ 715.71

20% of six month average balance: \$ 143.14

total expenditures for period: \$ 3,521.38

total income for period: \$ 3,697.28

To the best of my knowledge the above summary information is true and accurate:

Signed:

Jeanne Petrillo

1/8/2008

note to clear numbers Ctrl-Z

EXHIBIT

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COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20080108 15:05

Commit# : M81137

MASS. TREATMENT CENTER

Page 1

Name : SCHMITT, JOSEPH, .

Statement From 20070708

Inst : MASS TREATMENT CENTER

To 20080108

Block : D2

Cell/Bed : 029/B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
Total Transaction before this Period :						\$20,968.98	\$20,953.21	\$1,905.99	\$1,905.99
20070711 15:54	IS - Interest	9079018		MTG		\$0.01	\$0.00	\$0.00	\$0.00
20070711 21:21	PY - Payroll	9094065		MTG	-20070624 To 20070630	\$7.50	\$0.00	\$0.00	\$0.00
20070712 22:30	CN - Canteen	9107603		MTG	-Canteen Date : 20070712	\$0.00	\$15.14	\$0.00	\$0.00
20070718 21:21	PY - Payroll	9129978		MTG	-20070701 To 20070707	\$6.00	\$0.00	\$0.00	\$0.00
20070719 22:30	CN - Canteen	9140519		MTG	-Canteen Date 20070719	\$0.00	\$7.36	\$0.00	\$0.00
20070725 21:28	PY - Payroll	9163924		MTG	-20070708 To 20070714	\$6.00	\$0.00	\$0.00	\$0.00
20070801 21:24	PY - Payroll	9198680		MTG	-20070715 To 20070721	\$7.50	\$0.00	\$0.00	\$0.00
20070806 16:51	IS - Interest	9228306		MTG		\$0.05	\$0.00	\$0.00	\$0.00
20070808 21:24	PY - Payroll	9257188		MTG	-20070722 To 20070728	\$7.50	\$0.00	\$0.00	\$0.00
20070809 22:30	CN - Canteen	9269017		MTG	-Canteen Date : 20070809	\$0.00	\$15.73	\$0.00	\$0.00
20070815 21:16	PY - Payroll	9294544		MTG	-20070729 To 20070804	\$7.50	\$0.00	\$0.00	\$0.00
20070816 22:30	CN - Canteen	9305751		MTG	-Canteen Date 20070816	\$0.00	\$16.37	\$0.00	\$0.00
20070822 21:23	PY - Payroll	9328888		MTG	-20070805 To 20070811	\$6.00	\$0.00	\$0.00	\$0.00
20070822 21:24	PY - Payroll	9329036		MTG	-20070805 To 20070811-Corrected Payroll 20070708	\$1.50	\$0.00	\$0.00	\$7.50
20070822 21:24	PY - Payroll	9329056		MTG	-20070805 To 20070811-Corrected Payroll 20070701	\$1.50	\$0.00	\$0.00	\$0.00
20070823 22:30	CN - Canteen	9338752		MTG	-Canteen Date 20070823	\$0.00	\$7.24	\$0.00	\$0.00
20070829 21:27	PY - Payroll	9362126		MTG	-20070812 To 20070818	\$7.50	\$0.00	\$0.00	\$0.00
20070830 22:30	CN - Canteen	9372055		MTG	-Canteen Date : 20070830	\$0.00	\$8.90	\$0.00	\$0.00
20070905 21:21	PY - Payroll	9399561		MTG	-20070819 To 20070825	\$7.50	\$0.00	\$0.00	\$0.00
20070906 16:38	IS - Interest	9415803		MTG		\$0.04	\$0.00	\$0.00	\$0.00
20070906 22:30	CN - Canteen	9428772		MTG	-Canteen Date 20070906	\$0.00	\$6.08	\$0.00	\$0.00
20070912 10:08	CI - Transfer from Club to Inmate A/c	9452759		MTG	-REFUND 9/6/07-M81137 SCHMITT,JOSEPH PERSONAL-KCN WASH ACCOUNT - Z5	\$6.08	\$0.00	\$0.00	\$0.00
20070912 10:08	TI - Transfer from Institution	9452761		MTG	-Associate Receipt Number is 9452759	\$6.08	\$0.00	\$0.00	\$0.00
20070912 10:08	TI - Transfer from Institution	9452760		STH	-Associate Receipt Number is 9452759	\$0.00	\$6.08	\$0.00	\$0.00
20070912 21:22	PY - Payroll	9457128		MTG	-20070826 To 20070901	\$7.50	\$0.00	\$0.00	\$0.00
20070914 13:24	ML - Mail	9473000		STH	-COLLEEN HORNE	\$500.00	\$0.00	\$0.00	\$0.00
20070914 13:24	TI - Transfer from Institution	9473004		STH	-Associate Receipt Number is 9473000	\$0.00	\$499.00	\$0.00	\$0.00
20070914 13:24	MA - Maintenance and Administration	9473002		STH	-Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20070914 13:24	TI - Transfer from Institution	9473005		MTG	-Associate Receipt Number is 9473000	\$499.00	\$0.00	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20080108 15:05

Commit# : M01137

MASS. TREATMENT CENTER

Page : 2

Name : SCHMITT, JOSEPH.

Statement From 20070708

Inmate : MASS TREATMENT CENTER

To 20080108

Block : B2

Cell/Bed : 029/B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20070919 21:24	PY - Payroll	9493567		MTC	-20070902 To 20070908	\$4.50	\$0.00	\$0.00	\$0.00
20070920 22:30	CN - Canteen	9504092		MTC	-Canteen Date 20070920	\$0.00	\$69.60	\$0.00	\$0.00
20070926 09:14	IC - Transfer from Inmate to Club A/c	9523359		MTC	-822(5), 823(2)-CANTEEN CORP. WASH ACCOUNT - Z6-CANTEEN CORP. WASH ACCOUNT - Z6	\$0.00	\$35.84	\$0.00	\$0.00
20070926 21:38	PY - Payroll	9527945		MTC	-20070909 To 20070915	\$7.10	\$0.00	\$0.00	\$0.00
20070927 22:30	CN - Canteen	9539043		MTC	-Canteen Date 20070927	\$0.00	\$68.95	\$0.00	\$0.00
20071001 10:08	IC - Transfer from Inmate to Club A/c	9547261		MTC	-CLOTHING-KCN WASH ACCOUNT - Z5-KCN WASH ACCOUNT - Z5	\$0.00	\$210.67	\$0.00	\$0.00
20071003 21:23	PY - Payroll	9567806		MTC	-20070916 To 20070922	\$7.50	\$0.00	\$0.00	\$0.00
20071004 22:30	CN - Canteen	9579478		MTC	-Canteen Date 20071004	\$0.00	\$15.38	\$0.00	\$0.00
20071010 10:33	IC - Transfer from Inmate to Club A/c	9600292		MTC	-808,819,822,823-CANTEEN CORP. WASH ACCOUNT - Z6-CANTEEN CORP. WASH ACCOUNT - Z6	\$0.00	\$56.27	\$0.00	\$0.00
20071010 21:37	PY - Payroll	9605838		MTC	-20070923 To 20070929	\$3.00	\$0.00	\$0.00	\$0.00
20071011 22:30	CN - Canteen	9617129		MTC	-Canteen Date 20071011	\$0.00	\$1.99	\$0.00	\$0.00
20071012 16:47	IS - Interest	9627897		MTC		\$1.15	\$0.00	\$0.00	\$0.00
20071015 14:33	ML - Mail	9645601		STH	-COLLEEN THORNE	\$500.00	\$0.00	\$0.00	\$0.00
20071015 14:33	TI - Transfer from Institution	9645605		STH	-Associate Receipt Number is 9645601	\$0.00	\$499.00	\$0.00	\$0.00
20071015 14:33	MA - Maintenance and Administration	9645603		STH	-Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20071015 14:33	TI - Transfer from Institution	9645606		MTC	-Associate Receipt Number is 9645601	\$499.00	\$0.00	\$0.00	\$0.00
20071018 09:46	IC - Transfer from Inmate to Club A/c	9669151		MTC	-SPECIAL ORDER-KCN WASH ACCOUNT - Z5-KCN WASH ACCOUNT - Z5	\$0.00	\$186.34	\$0.00	\$0.00
20071018 22:30	CN - Canteen	9673317		MTC	-Canteen Date 20071018	\$0.00	\$65.45	\$0.00	\$0.00
20071019 11:24	IC - Transfer from Inmate to Club A/c	9675438		MTC	-CLOTHING-KCN WASH ACCOUNT - Z5-KCN WASH ACCOUNT - Z5	\$0.00	\$46.00	\$0.00	\$0.00
20071023 10:26	IC - Transfer from Inmate to Club A/c	9685522		MTC	-810-CANTEEN CORP. WASH ACCOUNT - Z6-CANTEEN CORP. WASH ACCOUNT - Z6	\$0.00	\$23.63	\$0.00	\$0.00
20071025 22:30	CN - Canteen	9706615		MTC	-Canteen Date 20071025	\$0.00	\$69.95	\$0.00	\$0.00
20071026 11:06	IC - Transfer from Inmate to Club A/c	9710515		MTC	-CLOTHING-KCN WASH ACCOUNT - Z5-KCN WASH ACCOUNT - Z5	\$0.00	\$35.99	\$0.00	\$0.00
20071029 10:41	CI - Transfer from Club to Inmate A/c	9713827		MTC	-RETURNED PROPERTY-M01137 SCHMITT, JOSEPH PERSONAL-KCN WASH ACCOUNT - Z5	\$26.60	\$0.00	\$0.00	\$0.00
20071029 10:41	TI - Transfer from Institution	9713829		MTC	-Associate Receipt Number is 9713827	\$26.60	\$0.00	\$0.00	\$0.00
20071029 10:41	TI - Transfer from Institution	9713828		STH	-Associate Receipt Number is 9713827	\$0.00	\$26.60	\$0.00	\$0.00
20071101 13:49	ML - Mail	9739877		STH	-COLLEEN HORNE	\$1,000.00	\$0.00	\$0.00	\$0.00
20071101 13:49	TI - Transfer from Institution	9739886		STH	-Associate Receipt Number is 9739883	\$0.00	\$1,000.00	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20080108 15:05

Commit# : M81137

MASS. TREATMENT CENTER

Page 3

Name : SCHMITT, JOSEPH, .

Statement From 20070708

Inst : MASS TREATMENT CENTER

To 20080108

Block : B2

Cell/Bed : 029/B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20071101 13:49	TI - Transfer from Institution	9739887		MTC	-Associate Receipt Number is 9739885	\$1,000.00	\$0.00	\$0.00	\$0.00
20071101 13:49	ML - Mail	9739885		STH	-COLLEEN HORNE	\$1,000.00	\$0.00	\$0.00	\$0.00
20071101 13:49	MA - Maintenance and Administration	9739880		STH	-Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20071101 13:49	TI - Transfer from Institution	9739882		STH	-Associate Receipt Number is 9739877	\$0.00	\$999.00	\$0.00	\$0.00
20071101 13:49	TI - Transfer from Institution	9739883		MTC	-Associate Receipt Number is 9739877	\$999.00	\$0.00	\$0.00	\$0.00
20071101 13:50	ML - Mail	9739888		STH	-COLLEEN HORNE	\$500.00	\$0.00	\$0.00	\$0.00
20071101 13:50	TI - Transfer from Institution	9739889		STH	-Associate Receipt Number is 9739888	\$0.00	\$500.00	\$0.00	\$0.00
20071101 13:50	TI - Transfer from Institution	9739890		MTC	-Associate Receipt Number is 9739888	\$500.00	\$0.00	\$0.00	\$0.00
20071101 22:30	CN - Canteen	9743749		MTC	-Canteen Date : 20071101	\$0.00	\$69.38	\$0.00	\$0.00
20071106 08:37	EX - External Disbursement	9759535	122213	MTC	-CODE NAST PUBLICATIONS	\$0.00	\$21.97	\$0.00	\$0.00
20071106 16:57	IS - Interest	9767620		MTC		\$0.95	\$0.00	\$0.00	\$0.00
20071112 22:30	CN - Canteen	9809324		MTC	-Canteen Date : 20071109	\$0.00	\$63.89	\$0.00	\$0.00
20071114 11:12	IC - Transfer from Inmate to Club A/c	9823002		MTC	-B19, B22(3), B23(3)-CANTEEN CORP WASH ACCOUNT - Z6-CANTEEN CORP WASH ACCOUNT - Z6	\$0.00	\$37.13	\$0.00	\$0.00
20071115 22:30	CN - Canteen	9840301		MTC	-Canteen Date : 20071115	\$0.00	\$69.76	\$0.00	\$0.00
20071116 10:31	IC - Transfer from Inmate to Club A/c	9842639		MTC	-CLOTHING-KCN WASH ACCOUNT - Z5-KCN WASH ACCOUNT - Z5	\$0.00	\$36.10	\$0.00	\$0.00
20071119 09:36	EX - External Disbursement	9848468	122550	MTC	-MARY outhouse	\$0.00	\$50.00	\$0.00	\$0.00
20071121 08:43	IC - Transfer from Inmate to Club A/c	9860546		MTC	-PLYMOUTH CTY COURT-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$0.58	\$0.00	\$0.00
20071121 08:44	IC - Transfer from Inmate to Club A/c	9860548		MTC	-US DIST COURT-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$1.48	\$0.00	\$0.00
20071121 08:44	IC - Transfer from Inmate to Club A/c	9860556		MTC	-US COURT APPEALS-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$1.14	\$0.00	\$0.00
20071121 22:30	CN - Canteen	9873567		MTC	-Canteen Date : 20071121	\$0.00	\$76.32	\$0.00	\$0.00
20071123 08:18	EX - External Disbursement	9876057	122657	MTC	-EDWARD HAMILTON	\$0.00	\$35.40	\$0.00	\$0.00
20071123 08:52	IC - Transfer from Inmate to Club A/c	9876241		MTC	-2 LEGAL-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$1.16	\$0.00	\$0.00
20071123 08:54	IC - Transfer from Inmate to Club A/c	9876259		MTC	-2 RAYE & CLERK-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$11.35	\$0.00	\$0.00
20071128 10:46	CI - Transfer from Club to Inmate A/c	9891968		MTC	-REFUND 11/21/07-M81137 SCHMITT,JOSEPH PERSONAL-KCN WASH ACCOUNT - Z5	\$2.07	\$0.00	\$0.00	\$0.00
20071129 10:46	TI - Transfer from Institution	9891970		STH	-Associate Receipt Number is 9891968	\$0.00	\$2.07	\$0.00	\$0.00
20071129 10:46	TI - Transfer from Institution	9891971		MTC	-Associate Receipt Number is 9891968	\$2.07	\$0.00	\$0.00	\$0.00
20071129 22:30	CN - Canteen	9908650		MTC	-Canteen Date : 20071129	\$0.00	\$89.27	\$0.00	\$0.00
20071206 16:41	IS - Interest	9954439		MTC		\$10.03	\$0.00	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20080108 15:05

Commln : ME1137

MASS. TREATMENT CENTER

Page 4

Name : SCHMITT, JOSEPH

Statement From 20070708

Inst : MASS. TREATMENT CENTER

To 20080108

Block : B1

Cell/Bed : 029/B

Transaction Date	Type	Receipt #	Check No	Inst Name	Notes	Personal		Savings	
						Income	Expense	Income	Expense
20071206 22:30	CN - Canteen	9969743		MTG	-Canteen Date 20071206	\$0.00	\$76.40	\$0.00	\$0.00
20071210 11:03	IC - Transfer from Inmate to Club A/c	9979203		MTG	-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$4.60	\$0.00	\$0.00
20071211 08:14	VC - Voided Check	9985332	122550	STH	-MARY outhouse	\$50.00	\$0.00	\$0.00	\$0.00
20071211 08:14	TI - Transfer from Institution	9985333		STH	-Associate Receipt Number is 9985332	\$0.00	\$50.00	\$0.00	\$0.00
20071211 08:14	TI - Transfer from Institution	9985334		MTG	-Associate Receipt Number is 9985332	\$50.00	\$0.00	\$0.00	\$0.00
20071211 09:16	CI - Transfer from Club to Inmate A/c	9985749		MTG	-CANTEEN REFUND 12/6/07-ME1137 SCHMITT, JOSEPH PERSONAL-KCN WASH ACCOUNT - 25	\$4.30	\$0.00	\$0.00	\$0.00
20071211 09:16	TI - Transfer from Institution	9985750		STH	-Associate Receipt Number is 9985749	\$0.00	\$4.30	\$0.00	\$0.00
20071211 09:16	TI - Transfer from Institution	9985751		MTG	-Associate Receipt Number is 9985749	\$4.30	\$0.00	\$0.00	\$0.00
20071213 09:13	IC - Transfer from Inmate to Club A/c	10006996		MTG	-US COURT APPEALS-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$6.55	\$0.00	\$0.00
20071213 22:30	CN - Canteen	10011122		MTG	-Canteen Date 20071213	\$0.00	\$89.18	\$0.00	\$0.00
20071214 08:15	EX - External Disbursement	10013952	123168	MTG	-CLERK - U.S. DIST COURT	\$0.00	\$1.70	\$0.00	\$0.00
20071214 08:15	MA - Maintenance and Administration	10013954		MTG	-Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
20071218 09:19	EX - External Disbursement	10025859	123205	MTG	-CLERK U.S. DISTRICT COURT	\$0.00	\$20.00	\$0.00	\$0.00
20071221 22:30	CN - Canteen	10059064		MTG	-Canteen Date 20071221	\$0.00	\$87.68	\$0.00	\$0.00
20071226 10:02	IC - Transfer from Inmate to Club A/c	10069570		MTG	-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$6.79	\$0.00	\$0.00
20071226 10:02	IC - Transfer from Inmate to Club A/c	10069572		MTG	-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$2.33	\$0.00	\$0.00
20071226 22:30	CN - Canteen	10083690		MTG	-Canteen Date 20071226	\$0.00	\$87.43	\$0.00	\$0.00
20071228 11:06	IC - Transfer from Inmate to Club A/c	10092394		MTG	-819,822-CANTEEN CORP. WASH ACCOUNT - 26-CANTEEN CORP. WASH ACCOUNT - 26	\$0.00	\$26.89	\$0.00	\$0.00
20071231 07:50	EX - External Disbursement	10096453	123500	MTG	-PSI PUBLISHING INC.	\$0.00	\$54.95	\$0.00	\$0.00
20071231 07:52	EX - External Disbursement	10096457	123504	MTG	-JOHN DAY, ESQ.	\$0.00	\$500.00	\$0.00	\$0.00
20071231 07:52	EX - External Disbursement	10096458	123505	MTG	-JOHN DAY, ESQ.	\$0.00	\$500.00	\$0.00	\$0.00
20071231 07:53	EX - External Disbursement	10096460	123506	MTG	-JOHN DAY, ESQ.	\$0.00	\$500.00	\$0.00	\$0.00
20080102 09:33	IC - Transfer from Inmate to Club A/c	10106324		MTG	-CERT 70060810000544396135-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$5.21	\$0.00	\$0.00
20080102 09:33	IC - Transfer from Inmate to Club A/c	10106327		MTG	-CLERK OF COURTS-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$0.97	\$0.00	\$0.00
20080103 08:49	IC - Transfer from Inmate to Club A/c	10120562		MTG	-POSTAGE - Z11-POSTAGE - Z11	\$0.00	\$0.85	\$0.00	\$0.00
20080104 08:34	EX - External Disbursement	10127893	123594	MTG	-FHS	\$0.00	\$7.40	\$0.00	\$0.00
20080104 08:34	MA - Maintenance and Administration	10127895		MTG	-Monthly Maintenance and Administration Fee	\$0.00	\$1.00	\$0.00	\$0.00
						\$7,287.33	\$7,107.43	\$0.00	\$0.00

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

Inmate Transaction Report

Date : 20080108 15:05

Commit# : M81137

MASS. TREATMENT CENTER

Page : 5

Name : SCHMITT, JOSEPH. .

Statement From 20070708

Inst : MASS TREATMENT CENTER

To 20080108

Block : B2

Cell/Bed : 029/B

Balance as of ending date :

Personal
\$191.67Savings
\$0.00

Current Balances :

Personal	Savings	Freeze	Loan	Restitution	Sentence
\$191.67	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Sent Order 100166574 for SCHMITT, JOSEPH
 Wednesday, November 14, 2007 @10:20

ID 441137 Order # 100166574 Name SCHMITT, JOSEPH

Order Date:
 2007-11-08

Location
 MTC B2 020

Order Form
 UNASSIGNED ORDER FORM

Alias Description	Qty	Price	Extend	Tax	Total	Status
6770 BF SUMMER SAUSAGE ORG FLV	8	1.55	12.40	0.00	12.40	Sent
6172 BC CHILI W/ BEANS	6	1.35	8.10	0.00	8.10	Sent
6429 CC JALAP CHEESE SQUEEZE	10	0.48	4.80	0.00	4.80	Sent
6294 BC PASTA SAUCE (ITALIAN)	10	0.43	4.30	0.00	4.30	Sent
2098 SUGAR RESLABLE CLRPK 12OZ	1	1.25	1.25	0.00	1.25	Sent
6417 CREAMY PEANUT BUTTER 18 O	2	2.00	4.00	0.00	4.00	Sent
2977 10 OZ. HOT COCOA CLR (KP)	2	1.25	2.50	0.00	2.50	Sent
5243 DELUX MIXED NUTS 10 OZ	1	2.42	2.42	0.00	2.42	Sent
4030 WEM PLAIN	1	0.60	0.60	0.00	0.60	Sent
4214 BROWNIE	2	0.43	0.86	0.00	0.86	Sent
3034 PB CREME COOKIES 6OZ	2	0.74	1.48	0.00	1.48	Sent
3132 HONEY GRAHAM CRACKERS	1	1.40	1.40	0.00	1.40	Sent
6636 FLOUR TORTILLAS	1	0.81	0.81	0.00	0.81	Sent
6313 SPLENDORA SLICE PEPPERONI	1	1.55	1.55	0.00	1.55	Sent
6445 JALAPENO CHEESE BAR 4 OZ.	1	1.25	1.25	0.00	1.25	Sent
6736 POPPERS ORIGINAL FLAVOR	1	1.23	1.23	0.00	1.23	Sent
6567 SLICED JALAPENO PEPPERS	1	0.31	0.31	0.00	0.31	Sent
6501 PICKLE (MILD)	1	0.60	0.60	0.00	0.60	Sent
6443 FUDGE MACARONI 1 LB BAG	1	0.97	0.97	0.00	0.97	Sent
6360 SPAGHETTI 1 LB BOX	1	0.55	0.55	0.00	0.55	Sent
6754 ORANGE SLICES 5.7 OZ	1	0.53	0.53	0.00	0.53	Sent
Order Total						63.80
						0.00
						63.80

Category

Order Form Max Limit
 Commissary Items

Max Limit
 70.00
 70.00

Current
 0.00
 0.00

Funds Available
 70.00

EXHIBIT

C

1

Sent Order 100165929 for SCHMITT, JOSEPH
Wednesday, November 14, 2007 6:10:20

10
SMIT37

Order #
100165929

Name:
SCHMITT, JOSEPH

Ship Date
2007-11-01

Location
MTC B2 020

Order Form
UNASSIGNED ORDER FORM

Item Description	Qty	Price	Extend	Tax	Total	Status
6392 TOOTIE FRUIT CEREAL 12.5	1	2.49	2.49	0.00	2.49	Sent
6417 CREAMY PEANUT BUTTER 18 O	2	2.00	4.00	0.00	4.00	Sent
7071 10 OZ. HOT COCOA CLR (KF)	2	1.25	2.50	0.00	2.50	Sent
2053 SUGAR RESLABLE CLRPK 12OZ	1	1.25	1.25	0.00	1.25	Sent
5004 PB CREME COOKIES 6OZ	2	0.74	1.48	0.00	1.48	Sent
4154 ORANGE SLICES 5.7 OZ	2	0.53	1.06	0.00	1.06	Sent
4000 M&M FLAIN	4	0.60	2.40	0.00	2.40	Sent
3214 BROWNIE	4	0.43	1.72	0.00	1.72	Sent
6147 DELUX MIXED NUTS 10 OZ	1	2.42	2.42	0.00	2.42	Sent
5015 ROAST CHICKEN RAMEN	25	0.27	6.75	0.00	6.75	Sent
2604 TEXAS BEEF RAMEN NOODLE	25	0.27	6.75	0.00	6.75	Sent
6510 BK PLAIN BAGEL 4OZ	8	0.43	3.44	0.00	3.44	Sent
6500 PICKLE (HOT)	2	0.60	1.20	0.00	1.20	Sent
6504 PICKLE (MILD)	2	0.60	1.20	0.00	1.20	Sent
2621 2 OZ CREAMER CLEARPACK	2	0.96	1.92	0.00	1.92	Sent
5114 SPLENDORA SLICE PEPPERONI	2	1.55	3.10	0.00	3.10	Sent
6770 BF SUMMER SAUSAGE ORG FLV	4	1.55	6.20	0.00	6.20	Sent
6304 SQUEEZE PIZZA SAUCE 15.5	2	1.55	3.10	0.00	3.10	Sent
6106 JALAPO POWDER	1	0.90	0.90	0.00	0.90	Sent
6207 SLICED JALAPENO PEPPERS	6	0.31	1.86	0.00	1.86	Sent
6425 10 SHARP CHDR CHS SQUEEZE	5	0.48	2.40	0.00	2.40	Sent
6425 10 JALAP CHEESE SQUEEZE	5	0.48	2.40	0.00	2.40	Sent
6174 10 HOT CHILI W/ BEANS	3	1.35	4.05	0.00	4.05	Sent
6300 SPAGHETTI 1 LB BOX	4	0.55	2.20	0.00	2.20	Sent
6600 FLOUR TORTILLAS	2	0.81	1.62	0.00	1.62	Sent
6304 ELBOW MACARONI 1 LB BAG	1	0.97	0.97	0.00	0.97	Exceeded Spend Group
Order Total		69.38	0.00	69.38		

Category	Max Limit	Current	Funds Available
Order Form Max Limit	70.00	0.00	70.00
Commodity Items	70.00	0.00	

Sent. Order 100165801 for SCHMITT, JOSEPH
Wednesday, November 14, 2007 @10:20

ID 881127 Order # 100165801 Name SCHMITT, JOSEPH

Order Date
2007 10-25

Location
MTC B2 020

Order Form
UNASSIGNED ORDER FORM

Alias Description	Qty	Price	Extend	Tax	Total	Status
6015 ROAST CHICKEN RAMEN	20	0.27	5.40	0.00	5.40	Sent
6084 TEXAS BEEF RAMEN NOODLE	20	0.27	5.40	0.00	5.40	Sent
6543 PROVOLONE CHEESE BLOCK	2	1.25	2.50	0.00	2.50	Sent
6549 JALAPENO CHEESE BAR 4 OZ.	2	1.25	2.50	0.00	2.50	Sent
1098 SUGAR RESLABLE CLRPK 12OZ	1	1.25	1.25	0.00	1.25	Sent
6500 PICKLE (HOT)	2	0.60	1.20	0.00	1.20	Sent
6101 PICKLE (MILD)	2	0.60	1.20	0.00	1.20	Sent
6600 FLOUR TORTILLAS	4	0.81	3.24	0.00	3.24	Sent
6626 FRESH CATCH TUNA 4.23 OZ.	2	1.25	2.50	0.00	2.50	Sent
6117 SPLENDORA SLICE PEPPERONI	3	1.55	4.65	0.00	4.65	Sent
6773 BEEF SALAMI SUMR SAUSAGE	3	1.36	4.08	0.00	4.08	Sent
4009 MAN FLAIN	6	0.60	3.60	0.00	3.60	Sent
1071 10 OZ. HOT COCOA CLR (RF)	3	1.25	3.75	0.00	3.75	Sent
6768 POPPERS ORIGINAL FLAVOR	2	1.23	2.46	0.00	2.46	Sent
4241 GELUX MIXED NUTS 10 OZ	1	2.42	2.42	0.00	2.42	Sent
6417 CREAMY PEANUT BUTTER 18 O	1	2.00	2.00	0.00	2.00	Sent
3509 66 HONEY 12OZ CYLINDER	1	2.39	2.39	0.00	2.39	Sent
6248 HUNTS KETCHUP 20 OZ	1	1.65	1.65	0.00	1.65	Sent
6507 SLICED JALAPENO PEPPERS	6	0.31	1.86	0.00	1.86	Sent
1102 HONEY GRAHAM CRACKERS	1	1.40	1.40	0.00	1.40	Sent
6426 CC-SHARP CHDR CHS SQUEEZE	5	0.48	2.40	0.00	2.40	Sent
6428 CC JALAP CHEESE SQUEEZE	5	0.48	2.40	0.00	2.40	Sent
6171 RC CHILI W/ BEANS	2	1.35	2.70	0.00	2.70	Sent
2802 PH CRÈME COOKIES 6OZ	3	0.74	2.22	0.00	2.22	Sent
6150 KEEFE 10OZ NACHO CHIPS	2	1.60	3.20	0.00	3.20	Sent
6156 ML BTR LGHT MICRO POPORN	3	0.46	1.38	0.00	1.38	Exceeded Spend Group
4156 VANILLA CARAMELS	0	0.56	0.00	0.00	0.00	Exceeded Spend Group
6258 GARLIC POWDER	0	0.90	0.00	0.00	0.00	Exceeded Spend Group
6178 PC MACFERRAL	3	1.14	0.00	0.00	0.00	Exceeded Spend Group
2095 TC COFFEE (1-STICK)	1	0.20	0.20	0.00	0.20	Exceeded Spend Group
3214 BROWNIE	3	0.43	0.00	0.00	0.00	Exceeded Spend Group

Order Total 69.95 0.00 69.95

Category

Order Form Max Limit
Commissary Items

Max Limit Current
70.00 0.00
70.00 0.00

Funds Available
70.00

Sent Order 100165345 for SCHMITT, JOSEPH
Wednesday, November 14, 2007 4:10:20

Order # 100165345 Name SCHMITT, JOSEPH
Order Date 2007-10-18 Location MTC B2 020

Order Form
UNASSIGNED ORDER FORM

Alias Description	Qty	Price	Extend	Tax	Total	Status
6600 FLOUR TORTILLAS	4	0.81	3.24	0.00	3.24	Sent
6610 KK PLAIN BAGEL 4OZ	10	0.43	4.30	0.00	4.30	Sent
6757 HORHEL SPAM - 3OZ POUCH	2	1.25	2.50	0.00	2.50	Sent
6720 SWEET SUE CHICKEN POUCH	0	1.80	3.00	0.00	0.00	Unauthorized Item
7093 SUGAR RESTABLE CLRPK 12OZ	1	1.25	1.25	0.00	1.25	Sent
6507 SLICED JALAPENO PEPPERS	5	0.31	1.55	0.00	1.55	Sent
6543 PROVOLONE CHEESE BLOCK	4	1.25	5.00	0.00	5.00	Sent
6449 JALAPENO CHEESE BAR 4 OZ.	2	1.25	2.50	0.00	2.50	Sent
6306 SQUEEZE PIZZA SAUCE 15.5	4	1.55	6.20	0.00	6.20	Sent
6417 CREAMY PEANUT BUTTER 18 O	3	2.00	6.00	0.00	6.00	Sent
2071 10 OZ. HOT COCOA CLR (KFI)	3	1.25	3.75	0.00	3.75	Sent
6341 DELUX MIXED NUTS 10 OZ	2	2.42	4.84	0.00	4.84	Sent
3214 BROWNIE	7	0.43	3.01	0.00	3.01	Sent
4000 M&M PLAIN	2	0.60	1.20	0.00	1.20	Sent
4036 HERSHEY'S CHOCOLATE BAR	4	0.60	2.40	0.00	2.40	Sent
6311 SPLENDORA SLICE PEPPERONI	4	1.55	6.20	0.00	6.20	Sent
3004 SB CREME COOKIES 6OZ	1	0.74	0.74	0.00	0.74	Sent
3045 DUPLEX CREME COOKIES 6OZ	1	0.74	0.74	0.00	0.74	Sent
6010 ROAST CHICKEN RAMEN	10	0.27	2.70	0.00	2.70	Sent
6497 PARMESAN CHEESE 4OZ CLEAR	1	1.13	1.13	0.00	1.13	Sent
6776 BF SUMMER SAUSAGE ORG FLV	4	1.55	6.20	0.00	6.20	Sent

Order Total 65.45 0.00 65.45

Category	Max Limit	Current	Funds Available
Order Form Max Limit	70.00	0.00	70.00
Commissary Items	70.00	0.00	

Sent Order 100164815 for SCHMITT, JOSEPH
Wednesday, November 14, 2007 8:10:20

IC
W81137

Order #
100164815

Name
SCHMITT, JOSEPH

Order Date
2007-10-11

Location
MTC R2 020

Order Form
UNASSIGNED ORDER FORM

Alias Description

	Qty	Price	Extend	Tax	Total	Status
2093 SUGAR RESLABLE CLRPK 12OZ	1	1.25	1.25	0.00	1.25	Sent
3004 PE CREME COOKIES 6OZ	1	0.74	0.74	0.00	0.74	Sent
Order Total			1.99	0.00	1.99	

Category

Order Form Max Limit
Commissary Items

Max Limit
70.00
70.00

Current
0.00
0.00

Funds Available
70.00

Sent Order 100164414 for SCHMITT, JOSEPH
Wednesday, November 14, 2007 010:20

10
MS1157

Order #
100164414

Name
SCHMITT, JOSEPH

Order Date
2007 10:04

Location
MTC B2 020

Order Form
UNASSIGNED ORDER FORM

Alias Description	Qty	Price	Extend	Tax	Total	Status
0300 RIC DISP. RAZOR	5	0.12	0.60	0.03	0.63	Sent
0100 ROLL-ON A/P DEOD.	1	1.11	1.11	0.06	1.17	Sent
0355 150Z VOLUME SHAMPOO	1	1.39	1.39	0.07	1.46	Sent
0450 PURE & NATURAL BAR SOAP	3	0.55	1.65	0.08	1.73	Sent
0545 TOOTHBRUSH (MEDIUM)	1	0.06	0.06	0.00	0.06	Sent
0771 TOILET TISSUE/1ROLL	1	0.88	0.88	0.04	0.92	Sent
1050 BOOK OF TEN STAMPS	2	4.10	8.20	0.00	8.20	Sent
1080 BLACK PEN (PLASTIC CLIP)	1	0.16	0.16	0.01	0.17	Sent
1010 ENVELOPE #10 50/CT	1	0.99	0.99	0.05	1.04	Sent
Order Total		15.04	0.34	15.38		

Category

Order Form Max Limit
Commissary Items

Max Limit Current
70.00 0.00
70.00 0.00

Funds Available
70.00

Sent Order 100164378 for SCHMITT, JOSEPH
Wednesday, November 14, 2007 @10:20

Order #
HB1137

Order #
100164378

Name
SCHMITT, JOSEPH

Order Date
2007-09-27

Location
MTC B2 020

Order Form
UNASSIGNED ORDER FORM

Alt	Description	Qty	Price	Extend	Tax	Total	Status
1345	SCOTCH TAPE	1	0.65	0.65	0.03	0.68	Sent
601	15OZ VOS SHAMPOO	1	1.49	1.49	0.07	1.56	Sent
6363	ULTIMATE STYLING GEL	1	2.28	2.28	0.11	2.39	Sent
6607	HOT PEANUTS 1.75 OZ	1	0.40	4.00	0.00	4.00	Sent
7500	BE HONEY 12OZ CYLINDER	10	2.39	2.39	0.00	2.39	Sent
6447	SQUZ CHIPOTLE LIME SPREAD	1	0.80	1.60	0.00	1.60	Sent
6429	CT SHARP CHDR CHS SQUEEZE	2	0.48	4.80	0.00	4.80	Sent
6429	CC JALAP CHEESE SQUEEZE	10	0.48	4.80	0.00	4.80	Sent
6512	6 OZ 1A HOT SAUCE	10	0.48	4.80	0.00	4.80	Sent
6451	PARMESAN CHEESE 4OZ CLEAR	2	0.58	1.16	0.00	1.16	Sent
6666	SAZON COYA AZAFRAN	1	1.13	1.13	0.00	1.13	Sent
6720	BF SUMNER SAUSAGE ORG FLV	1	1.15	1.15	0.00	1.15	Sent
6711	SPLENDORA SLICE PEPPERONI	5	1.55	7.75	0.00	7.75	Sent
6547	PROVOLONE CHEESE BLOCK	5	1.55	7.75	0.00	7.75	Sent
6561	PICKLE (MILD)	5	1.25	6.25	0.00	6.25	Sent
624	DELUX MIXED NUTS 10 OZ	5	0.60	3.00	0.00	3.00	Sent
7118	WHEAT THINS	2	2.42	4.84	0.00	4.84	Sent
6936	HERSHEY'S CHOCOLATE BAR	2	2.05	4.10	0.00	4.10	Sent
7057	BF PREMIUM COFFEE CLPK	4	0.60	2.40	0.00	2.40	Sent
6445	JALAPENO CHEESE BAR 4 OZ	1	2.23	2.23	0.00	2.23	Sent
		4	1.25	5.00	0.00	5.00	Sent

Order Total 68.77 0.21 68.98

Category

Order Form Max Limit
Commodity Items

Max Limit Current
70.00 0.00
70.00 0.00

Funds Available
70.00

1

Sent Order 100163695 for SCHMITT, JOSEPH
 Wednesday, November 14, 2007 @10:20

Order # 100163695 Name SCHMITT, JOSEPH

Order Date
 2007 09-20

Location
 NYC B2 020

Order Form
 UNASSIGNED ORDER FORM

Altus Description	Qty	Price	Extend	Tax	Total	Status
4003 BUT O HONEY	1	0.61	0.61	0.00	0.61	Sent
2052 KF PREMIUM COFFEE CLRPK	2	2.23	4.46	0.00	4.46	Sent
3024 FB CREME COOKIES 6OZ	2	0.74	1.48	0.00	1.48	Sent
1274 BROWNIE	6	0.43	2.58	0.00	2.58	Sent
3020 OREO SANDWICH COOKIES	3	0.39	1.17	0.00	1.17	Sent
2112 SALTINE CRACKERS	1	1.44	1.44	0.00	1.44	Sent
6426 SALSA SQZ BOTTLE 15.5OZ	1	1.47	1.47	0.00	1.47	Sent
6507 SLICED JALAPENO PEPPERS	10	0.31	3.10	0.00	3.10	Sent
1540 SCOTCH TAPE	1	0.65	0.65	0.03	0.68	Sent
2093 SUGAR RESEALABLE CLRPK 12OZ	1	1.25	1.25	0.00	1.25	Sent
6201 NL BUTTER MICRO POPCORN	10	0.46	4.60	0.00	4.60	Sent
6004 TEXAS BEEF RAMEN NOODLE	20	0.27	5.40	0.00	5.40	Sent
6015 ROAST CHICKEN RAMEN	20	0.27	5.40	0.00	5.40	Sent
9274 TWIN BLADE DISP KZRS 10PK	1	1.43	1.43	0.07	1.50	Sent
9109 ROLL-ON A/P DEOD.	2	1.11	2.22	0.11	2.33	Sent
6440 PURE & NATURAL BAR SOAP	2	0.55	1.10	0.06	1.16	Sent
9300 EIC DISP. RAZOR	5	0.12	0.60	0.03	0.63	Sent
2025 KF TEA BAGS 48 COUNT	1	1.34	1.34	0.00	1.34	Sent
8111 SPLENDORA SLICE PEPPERONI	2	1.55	3.10	0.00	3.10	Sent
3507 ANIMAL CRACKERS 11OZ.	2	0.83	1.66	0.00	1.66	Sent
6106 KNOX LODGE PRETZELS 11 OZ	1	0.96	0.96	0.00	0.96	Sent
6043 PROVOLONE CHEESE BLOCK	2	1.25	2.50	0.00	2.50	Sent
6111 KF SUMMER SAUSAGE ORG FLV	2	1.55	3.10	0.00	3.10	Sent
2010 INST. CAPPUCCINO FR. VANIL	5	0.20	1.00	0.00	1.00	Sent
6051 CHEESE CURLS 10OZ	2	1.50	3.00	0.00	3.00	Sent
1343 MIRROR 6"X 4.5"	1	1.77	1.77	0.09	1.86	Sent
0522 COLGATE B.S. PORK CLN 6.4	1	2.15	2.15	0.11	2.26	Sent
6172 BC CHILI W/ BEANS	4	1.35	5.40	0.00	5.40	Sent
6150 KEEPE 10OZ NACHO CHIPS	2	1.60	3.20	0.00	3.20	Sent
2021 5 OZ CREAMER CLEARPACK	1	0.96	0.96	0.00	0.96	Sent

Order total 69.10 0.50 69.60

Category

Order Form Max Limit
 Commissary Items

Max Limit Current
 70.00 0.00
 70.00 0.00

Funds Available
 70.00

Joseph P. Schmitt
30 Administration Road
Bridgewater, MA. 02324

Clerks Office/Customer Service
United States District Court
1 Courthouse Way, Suite 2300
Boston, Ma. 02210

FILED
IN CLERKS OFFICE

2007 NOV 14 A 11:49

U.S. DISTRICT COURT
DISTRICT OF MASS.

RE: USDC Case 04-10717-RWZ Schmitt v. Mulvey, et al.
USDC Case 04-10451-RWZ Schmitt v. Smith, et al.

Dear Clerk:

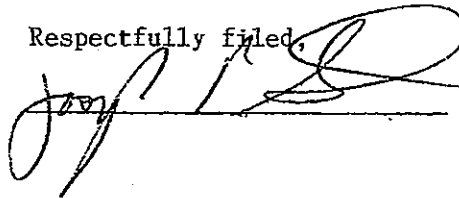
Please forward me the following regarding the above cases;

1. Docket entry sheets for both cases fully updated,
2. Docket entries P#103 & P#104 in case 04-10717-RWZ
3. Docket entry P#104 in case 04-10451-RWZ
4. The Courts Order/Decision regarding P#103 & P#104 in case 04-10717-RWZ
5. Docket entries P#90, P#93, P#95 in case 04-451-RWZ
6. The Courts Order/Decision GRANTING defendants motion for clarification on October 15, 2007 (Docket No. 104 in case 04-10451-RWZ).
7. Docket entries P#105 & P#106 in case 04-10451-RWZ

Please note that I am indigent and have no means of paying any fees for the above requested materials. Furthermore, the above cases are once again on appeal and the requested material is very much needed in a very timely manner.

I thank this Office in advance for their prompt action in this matter.

Respectfully filed,



Cc: JPS file,
USCA.

EXHIBIT

D



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Correction

Legal Division

70 Franklin St., Suite 600

Boston, Massachusetts 02110-1300

Tel: (617-727-3300 Ext. 124)

www.mass.gov/doc



FILED
IN CLERKS OFFICE

2007 NOV 16 P 12:21

U.S. DISTRICT COURT
DISTRICT OF MASS.

James R. Bender
Acting Commissioner

Timothy Hall
Acting Deputy Commissioner

Nancy Ankers White
General Counsel

November 15, 2007

Docket Clerk for the Honorable Rya Zobel
United States District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

RE: Schmitt v. Mulvey, et al., C.A. No. 04-10717-RWZ
Schmitt v. Smith, et al., C.A. No. 04-10451-RWZ

Dear Sir/Madam:

I am writing in response to plaintiff Joseph Schmitt's letter to you (Document No. 107, docketed in 04-10451), in which he is requesting copies of papers, and in which he states: "I am indigent and have no means of paying any fees for the above requested materials." Please be advised that this is an outright lie, as his inmate transaction report indicates that as of today, he has \$2,486.46 in his inmate account. A copy of the last page of his inmate transaction report is enclosed.

Very truly yours,

C. Raye Poole
Counsel

cc: Joseph Schmitt, MTC

